

November 25, 1998

Federal Communications Commission
Washington, DC 20554

In the Matter of)	WT Docket No. 98-143
)	
)	
1998 Biennial Regulatory Review - -)	
Amendment of Part 97 of the Commission's)	
Amateur Service Rules)	

I. INTRODUCTION

1. On August 10, 1998, the Commission released a Notice of Proposed Rule Making ("Notice"), which proposed several modifications to Part 97 of its Amateur Radio Service rules. On August 31, 1998, the Commission then issued an Errata which corrected certain portions of the Notice.
2. Interested parties were invited to submit comments regarding the Notice on or before December 1, 1998. The purpose of this correspondence is to respond to that invitation.

II. PERSONAL INFORMATION

1. I have been a licensed amateur radio operator for 43 years. In 1955, I was granted a Novice Class operator's license. I upgraded to General Class in 1956, and to Amateur Extra Class in 1968. My current call sign is W4ATX.
2. For virtually the entire time I have been licensed I have also been a member of the American Radio Relay League ("ARRL"), and I am aware of proposals submitted by the ARRL pertaining to issues included in the Notice. However, my response to the Notice represents my own personal opinions, and should not be interpreted as a reflection of any particular position taken by the ARRL.
3. I received a Bachelor of Engineering degree from Vanderbilt University in 1962, was active in radio communications and electronics while serving on active duty in the U.S. Navy, and worked as an engineer in the Apollo manned space program.

III. BACKGROUND

1. The Notice proposed the following changes to the Amateur Radio Service rules:
 - A reduction in the number of license classes from six to four.
 - Establishing a means to provide greater opportunities for volunteer examiners to participate in the examination process.
 - Elimination of Radio Amateur Civil Emergency Service (RACES) licenses.
2. The Notice also sought comments on the following issues:
 - The means to improve the Commission's enforcement processes as they relate to amateur radio.
 - Changes to the telegraphy requirements for the amateur radio service and to the written examinations that must be passed to qualify for an amateur radio license.

IV. COMMENTS

A. Reducing the Number of License Classes

1. I agree that the current structure of six license classes is too many. At one time, six classes of licenses may have been appropriate, but the rationale offered by the Commission for reducing the number to four is clearly defensible.
2. Just as the six-class license structure has become in need of revision, so too has the nomenclature used to designate the classes. I oppose designating the proposed four classes as Technician, General, Advanced, and Amateur Extra, as they provide no clear indication of their hierarchy. Instead, I recommend that the new classes be designated as follows:
 - First Class Amateur replaces the Amateur Extra Class
 - Second Class Amateur . . . replaces the Advanced Class
 - Third Class Amateur replaces the General Class
 - Fourth Class Amateur . . . replaces the Technician Class

These designations would be consistent with nomenclature used for commercial licenses. More importantly, they would provide a more visible means of differentiating among the classes as to their respective operating privileges, which are based upon the level of demonstrated knowledge of radio communications knowledge and proficiency. They might also provide a stronger incentive for amateurs to upgrade from lower class licenses to higher class licenses.

3. Based on the rationale set forth in the Notice, I support the elimination of the current Technician Plus Class license.

4. I also support the elimination of the current Novice Class license, subject to grandfathering those licenses previously issued. However, I strongly oppose the removal of operating frequency limitations now applicable to Novice Class licensees. Such action would diminish the value of operating privileges earned by those amateurs holding higher class licenses who have worked hard to obtain them through the required examination process. Awarding additional operating privileges to Novice Class licensees simply because their license class is being phased out simply does not seem appropriate, and would provide no incentive for them to upgrade before their licenses expire.

In addition to discontinuing the issuance of Novice Class licenses, it would also seem appropriate to discontinue the renewal of such licenses. This would require the licensee to pass the required examination elements applicable to some other class of license in order to retain amateur operating privileges. This seems a very reasonable course of action, especially since the Commission has concluded that the Novice Class license " . . . no longer serves a significant, useful purpose . . . "

5. I support the proposal that current Novice Class licensees and current Technician Plus licensees be given examination credit for those examination elements they have already passed when subsequently applying for higher class licenses.

B. Provide Greater Opportunities for Volunteer Examiners

1. The Notice proposes that Volunteer Examiners ("VEs") holding an Advanced Class license be authorized to prepare and administer examinations for the General Class operator license. I support that proposal.

2. The Commission also proposes in the Notice that VEs holding a General Class license be authorized to prepare and administer examinations for the Technician Class operator license. I strongly oppose this proposal. Extending examination authority to General Class licensees before the effectiveness of Advanced Class examination authority can be evaluated could potentially jeopardize the integrity of the licensing process. It would be constructive to expand the examination authority in stages, with each stage subject to comprehensive review and evaluation after it has been in effect for an appropriate period. If the extension of examination authority to Advanced Class licensees is found effective, then extension of authority to General Class licensees could be considered.

C. RACES Station Licenses

I support the Commission's proposal to phase out RACES station licenses by not renewing them as they expire, and continuing not to issue any new licenses of this type.

D. Privatization of Certain Enforcement Procedures

1. As a person interested in safeguarding the operating privileges entrusted to those of us who hold amateur licenses, I am extremely supportive of maintaining an effective process with which

to monitor and enforce compliance with rules and regulations applicable to the amateur service. I also believe that amateur operators themselves should be aggressively involved in any monitoring program related to their allocated privileges. This becomes particularly important in view of the increasingly stringent budgetary and operational constraints under which the Commission must operate. A cooperative monitoring and enforcement program involving both the Commission and amateur operators would certainly work to the mutual advantage of the Commission and the entire amateur community.

2. The Amateur Auxiliary is acknowledged by the Commission as an established group of amateur operators who are designated to assist in the detection and reporting of improper radio transmissions, sources of malicious interference, and other actions in violation of laws and rules governing amateur radio service. However, I question whether the Amateur Auxiliary program is being utilized as effectively as it could be.

I suggest that the Commission and the ARRL jointly establish an appropriate ad hoc panel or other type of working group and charge it with two tasks: (1) to conduct a formal review and evaluation of the various monitoring and enforcement processes currently being used, and (2) to develop specific recommendations that would serve to enhance the effectiveness of monitoring and enforcement activities. This work should certainly consider the function of the Amateur Auxiliary and how it could be enhanced. Some form of due diligence would seem more appropriate at this point than simply considering random comments made in response to the Notice.

E. Telegraphy Examination Requirements

1. In its Notice, the Commission requested comments as to all aspects of the Morse code standards used in amateur license examinations. In a letter dated July 22, 1998 to the Commission Chairman and the other Commissioners, the ARRL proposed a comprehensive restructuring proposal for amateur radio licensing. As part of its proposal, the ARRL recommended the following revised telegraphy examination requirements:

- For the Technician Class license, no telegraphy examination would be required. This is consistent with the concept of establishing the entry-level amateur license with a "no-code" examination requirement.
- For the General Class license, the telegraphy examination requirement would be decreased from the current 13 words per minute to 12 words per minute.
- For the Advanced Class license, the telegraphy examination requirement would also be reduced from 13 words per minute to 12 words per minute, meaning that no additional telegraphy proficiency would be required for an amateur to upgrade from the General Class license to the Advanced Class license.

- For the Amateur Extra Class license, the telegraphy examination requirement would also be reduced from 20 words per minute to 12 words per minute. This means that no additional telegraphy proficiency would be required to upgrade from the General Class license to the Amateur Extra Class license or from the Advanced Class license to the Amateur Extra Class license.

2. Based on a survey of amateur licensees conducted by the ARRL, a clear majority of amateurs favor retaining some form of telegraphy requirement as part of the amateur license examination structure. It is also clear that the significance of the telegraphy requirement is less today than in earlier years. A noticeable percentage of amateurs apparently even regard the Morse code requirement as "no longer relevant," undoubtedly due to the evolution of more technology-current forms of communications.

Although some changes in telegraphy examination requirements may be justified, the lessening reliance on telegraphy as a primary form of amateur communications does not justify its elimination altogether. There are simply too many amateur operators throughout the world who actively depend on this mode and utilize it on a regular basis, and it should be preserved as part of this country's licensing requirements. I would support the following telegraphy examination requirements for the proposed new four license classes:

- For the Technician Class license . . . None.
- For the General Class license . . . 10 words per minute.
- For the Advanced Class license . . . 10 words per minute.
- For the Amateur Extra Class license . . . 15 words per minute.

There should be a higher examination standard for Amateur Extra Class licenses, particularly if the license carries access to operating frequencies not available to lower classes of licenses.

Though the telegraphy examination requirements would be reduced, they would still ensure that amateur operators were capable of using telegraphy when necessary or appropriate. During some emergencies, this "non-traditional" mode might even be the only reliable means of communications available, which could save lives.

3. In the Notice, the Commission also questioned whether the written examination elements should be expanded to ensure that amateur licensees demonstrated a working knowledge of more current forms of digital communications. I support that concept. Only by maintaining examination requirements that reflect the entire range of current communications modes can amateurs maintain their ability to utilize fully the operating privileges allocated to them.

4. The Commission invited comment regarding the amateur rules that effectively provide exemption of the higher speed telegraphy examination requirements for persons with disabilities. The Notice also referred to requests made by the ARRL in rule making petition RM-9196, which

would: (a) require an examinee to attempt the telegraphy examination before examination credit is given pursuant to a doctor's certification, and (b) permit Volunteer-Examiner Coordinators (VECs) to require additional medical information from certifying physicians regarding the examinee's disability.

I agree with the Commission that the ARRL's proposal introduces the potential for unwarranted intrusion into areas of privacy and confidentiality as it pertains to access to additional medical information about the examinee. Accordingly, I do not support the ARRL's position.

However, I do strongly support the ARRL's proposal to require that an examinee first demonstrate an attempt to meet the telegraphy examination requirement before accepting a physician's certification that the examinee has a disability that would prevent completing the requirement. I frankly see no "unfair burden" on an examinee from having to make such an attempt.

I also strongly recommend that any license granted to a person who has been given telegraphy examination credit based on a physical disability carry a restriction that prohibits the licensee from operating in that mode. If it is considered discriminatory to deny operator licenses to persons who are physically unable to pass the telegraphy examination requirement, it is equally discriminatory to deny such privileges to non-disabled persons who take the examination but fail to pass it. A non-telegraphy restriction, endorsement, or other form of classification for disabled persons would permit such persons to fully enjoy the non-telegraphy operating privileges of their license, consistent with what portions of the examination they are physically able to take and pass.

5. As to the question of how to administer the Morse code examination, I strongly support a consistent requirement for all VEs that requires examinees to accurately copy at least one minute of plain text code (at the applicable speed) out of a five-minute period. The examination should also require an applicant to accurately send one minute of plain text code at the applicable speed. Having no consistency in the telegraphy examination requirement seriously jeopardizes the value of the proficiency which is intended to be demonstrated.

F. Written Examinations

1. The Commission requested comments as to: (a) whether written examination requirements should be modified to provide VEs and VECs additional flexibility in determining the specific contents of written examinations; (b) what the specifics of such flexibility should entail; and (c) what advantages and disadvantages may attach to such flexibility.

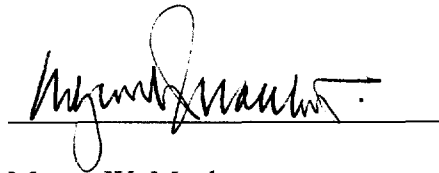
2. Without any specifics to consider, I do not support giving VEs and VECs "additional flexibility" with respect to determining the specific contents of written examinations, and I have no specific suggestion as to what reasonable flexibility they might be given. To the extent that VEs and VECs are representative of the most technically and operationally knowledgeable amateurs they should be involved to the maximum extent practicable.

Should the Commission decide to extend examination authority to amateurs holding licenses of various classes, I would propose restricting the VE and VEC involvement to only those persons holding an Amateur Extra Class license or an Advanced Class license. Excessive involvement of General Class licensees in determining the examination content would potentially weaken the integrity of the licensing structure.

3. As to the general examination topics set for in Section 97.503, they seem categorically to be appropriate for the purpose of determining whether an applicant has the requisite operational and technical qualifications to ensure that he or she will responsibly exercise the privileges represented by the applicable class of license. However, it does seem that Topic (3) - "Radio wave propagation characteristics of amateur service frequency bands" and Topic (8) - "Signals and emissions transmitted by amateur stations" are somewhat duplicative.

Also noted is the absence of a topic specifically devoted to the integration of digital communications techniques in a radio frequency energy medium.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Myron W. Manker", is written over a horizontal line.

Myron W. Manker
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